

United States District Court

EASTERN DISTRICT OF OKLAHOMA

In the matter of the search of:

A Silver 2017 GMC Sierra bearing Cherokee Nation license plate number BB7399 and VIN 1GT12UEY5HF232610, located at the Adair County Sheriff's Office

Case No. 25-MJ-177-GLJ

APPLICATION FOR SEARCH WARRANT

I, Austin Cluck, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (*identify the person or describe property to be searched and give its location*):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. §§ 922(g)(1) and 922(g)(3) (Felon in Possession of Firearm and Ammunition and User of a Controlled Substance in Possession of a Firearm), and the application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Austin Cluck Task Force Officer
Bureau of Alcohol Tobacco Firearms and Explosives

Sworn to on:

Date: May 9, 2025



Judge's signature

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE
Printed name and title

City and state: Muskogee, Oklahoma



AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Austin Cluck, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, having been duly sworn, do hereby depose and state as follows:

INTRODUCTION AND INVESTIGATOR BACKGROUND

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently assigned to the ATF Muskogee Field Office in the Eastern District of Oklahoma. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. I have been attached to the ATF since 2023 and am currently employed with the Adair County Sheriff's Office since 2022. Prior to working for the Adair County Sheriff's Office, I worked for the Fort Gibson Police Department from 2020 to 2022 and the Cherokee County Sheriff's Office from 2012 to 2020.

2. During my employment as a law enforcement officer and being attached to the ATF, I have received specialized training regarding, and have personally participated in, various types of investigative activity. This includes, but is not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal firearms laws; (c) arson investigations; (d) homicide investigations; (e) undercover operations; (f) the execution of search warrants; (g) the consensual monitoring and recording of conversations; (h) electronic surveillance through the use of pen registers and trap and trace devices; (i) the handling and maintenance of evidence; (j) Narcotic investigations.

3. During my employment with ATF, I have assisted other agencies and law enforcement, including the Drug Enforcement Administration (DEA), with investigations regarding firearms and narcotics.

4. The statements made in this affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; and (c) my training and experience.

5. For the reasons set forth below, I respectfully submit that there is probable cause to believe that the property that is the subject of this search warrant includes evidence of the following offenses: 18 U.S.C. §§ 922(g)(1) & 922(g)(3)—Felon in Possession of a Firearm and Ammunition and User of a Controlled Substance in Possession of a Firearm and Ammunition.

JURISDICTION

6. This affidavit requests a search warrant for the vehicle belonging to Zachary CARSON, which is currently located in the secure lot of the Adair County Sheriff's Office. The address for the Sheriff's Office is 600 Paul Mead Road in Stilwell, Adair County, Oklahoma within the Eastern District of Oklahoma.

FACTS IN SUPPORT OF PROBABLE CAUSE

7. On April 16, 2025, officers from the Stilwell Police department (SPD) conducted a traffic stop on Zachary CARSON for failure to use turn signal and illegal window tint. CARSON was driving a silver 2017 GMC Sierra bearing Cherokee Nation license plate number BB7399 (“SUBJECT VEHICLE”). During the traffic stop, a police canine was called in to conduct a free air sniff around the SUBJECT VEHICLE. Drug Task Force (DTF) Officer Billy Ames’ canine alerted to the odor of narcotics coming from the SUBJECT VEHICLE.

8. During the subsequent search of the SUBJECT VEHICLE, officers located multiple baggies of suspected fentanyl weighing approximately 6.8 grams. CARSON was ultimately placed under arrest and transported to the Adair County Detention Center. Additionally, the SUBJECT VEHICLE was towed to the Adair County Sheriff's Office and placed in their secure lot. The SUBJECT VEHICLE is presently located at the Adair County Sheriff's Office which is within the Eastern District of Oklahoma.

9. A query of the Cherokee Nation License Plate BB7399 was conducted. I learned that the Cherokee Nation License Plate BB7399 came back to a 2017 GMC Sierra with vehicle identification number (VIN) 1GT12UEY5HF232610, which is a match for the SUBJECT VEHICLE. Additionally, I learned the SUBJECT VEHICLE was registered to Zachary Thomas CARSON.

10. On April 21, 2025, I spoke with Lt. Skyler Sellers of the Adair County Sheriff's Office, who was on scene during the traffic stop of CARSON on April 16, 2025. Lt. Sellers advised that while he was assisting in the search of the SUBJECT VEHICLE he observed numerous rounds of ammunition in the back seat. Lt. Sellers also stated he observed what he believed to be a high-capacity rifle magazine in the SUBJECT VEHICLE. Although the SUBJECT VEHICLE was searched on April 16, 2025, based on what Lt. Sellers told me he observed in the SUBJECT VEHICLE, I am now seeking this warrant to search the SUBJECT VEHICLE again.

11. On April 21, 2025, I interviewed CARSON in person at the Adair County Sheriff's Office (ASCO). I advised CARSON of his constitutional rights under *Miranda*, to which he waived his rights and agreed to speak to me.

12. During the interview, CARSON stated that he had been previously convicted of a felony and had served four (4) years in prison for driving under the influence. He also stated that

he knew he was prohibited from possessing firearms due to his felony conviction. CARSON advised during the interview that at the time of the traffic stop he probably did have ammunition in his truck. CARSON also admitted to having a .22 caliber rifle that was being stored at his property on East Highway 100 in Adair County. CARSON advised that also located on the property with the camper trailer were additional outbuildings. Additionally, CARSON explained he had shot the .22 caliber rifle at his residence within the last two weeks. He also advised he has been purchasing his ammunition from Walmart.

13. When asked about his narcotics use, CARSON advised that he has been using fentanyl every day for the last several months.

14. A federal search warrant was executed on CARSON's residence on April 21, 2025. During the search, .22 caliber ammunition and binary explosives were located.

15. CARSON is a confirmed tribal member of the Cherokee Nation.

CRIMINAL HISTORY

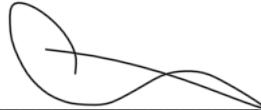
16. During my investigation, I discovered that CARSON was convicted felon thus prohibited from firearms and ammunition. Specifically, CARSON was convicted of a felony in Tulsa County, Oklahoma (Case NO. CF-2012-01367). CARSON was sentenced to four (4) years' incarceration.

CONCLUSION

17. Based upon my training and experience, I believe there is probable cause that evidence of violations of 18 U.S.C. §§ 922(g)(1) & 922(g)(3)—Felon in Possession of a Firearm and Ammunition and User of a Controlled Substance in Possession of a Firearm and Ammunition is located in the SUBJECT VEHICLE..

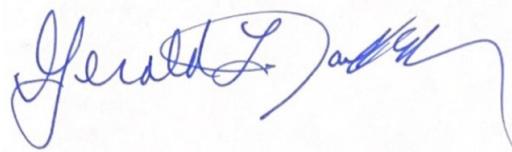
18. I respectfully request that this Court issue the search warrant for the SUBJECT

VEHICLE, which is currently located at the Adair County Sheriff's Office at 600 Paul Mead Road Stilwell, in Adair County, Oklahoma, within the Eastern District of Oklahoma, and which is more fully described in **Attachment A**.



Austin Cluck, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Sworn to on May 9, 2025.



UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

The vehicle to be searched is a silver 2017 GMC Sierra bearing Cherokee Nation tag number BB7399 (V.I.N.1GT12UEY5HF232610). Said vehicle is currently located at the Adair County Sheriff's Office at 600 Paul Mead Road Stilwell, in Adair County, Oklahoma, within the Eastern District of Oklahoma.



ATTACHMENT B**Particular Things to be Seized**

All items that constitute evidence, instrumentalities, and contraband of violations of 18 U.S.C. §§ 922(g)(1) and 922(g)(3) – Felon in Possession of a Firearm or Ammunition and User of a Controlled Substance in Possession of a Firearm and Ammunition, involving Zachary CARSON including:

- A. Any and all firearms and ammunition.
- B. Any and all documents, receipts, or evidence that would be related to the purchase, possession, or act of obtaining a firearm or ammunition. Any items pertaining to the possession, ownership and/or disposition of any firearm, to include but not limited to gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs and video tapes of firearms or person(s) in possession of firearms, acquisition or ownership documents, and receipts for the purchase and for repair of all of these items.
- C. Records to establish the persons who control, possess, or have custody or dominion over property searched and from which evidence is seized, to include but not be limited to: personal mail, checkbooks, personal identification, notes, other correspondence, financial documents, keys, photographs, leases, and bills.
- D. Fentanyl or other narcotics and/or controlled substances, narcotic precursors, fruits, instrumentalities, monies, records, and any and all chemicals, materials, and substances related to the possession and use of controlled substances.
- E. Paraphernalia used in the manufacture, possession, distribution and use of controlled substances, including but not limited to: glassware, rubber gloves, plastic baggies, scales, razor blades, syringes, scales, baggies, and other controlled dangerous substances; ingredients used to increase the volume and reduce the purity of the controlled substances.